

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION

THE ANDERSON GROUP, LLC, *et al.*,

Plaintiffs,

v.

CITY OF SARATOGA SPRINGS, *et al.*,

Defendants.

Civil Action No. 1:05-CV-1369, GLS/DRH

Judge Gary L. Sharpe

Magistrate Judge David R. Homer

**PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT
ON PLAINTIFFS' DISPARATE IMPACT CLAIMS**

Pursuant to Local Rule 7.1(c), Plaintiffs Gail Anderson and The Anderson Group hereby respectfully submit Plaintiffs' Cross-Motion for Summary Judgment on Plaintiffs' Disparate Impact Claims. The undisputed facts establish that Defendants' land use policies preclude the development of affordable housing in the virtually all-white City of Saratoga Springs and as a result, have a disparate impact and segregative effect on African Americans. These policies were used to justify the rezoning of Plaintiffs' property, on which they intended to build an affordable housing development, and thereby prevented Plaintiffs from constructing affordable housing units that are greatly and disproportionately needed by African Americans. Accordingly, judgment should be entered in Plaintiffs' favor on their disparate impact claims.

In support of their Cross-Motion, Plaintiffs submit the attached Exhibits, Statement of Undisputed Facts, and Memorandum of Law in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and Cross-Motion for Summary Judgment on Plaintiffs' Disparate Impact Claims.

Under this Court's Order (R.77), Defendants' Reply to this Cross-Motion is due on July 26, 2007, and the Court has stated its intention to set a return date after receiving all briefing papers.

Respectfully submitted,

Dated: July 17, 2007

/s/
Reed N. Colfax
John P. Relman
Mary Hahn
RELMAN & DANE
1225 Nineteenth Street, #600
Washington, D.C. 20036
(202) 728-1888

Peter A. Lynch
LYNCH & LYNCH
111 State Street, First Floor
Albany, NY 12207
(518) 463-1252

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2007, a copy of the foregoing Plaintiffs' Cross-Motion for Summary Judgment on Plaintiffs' Disparate Impact Claims, and the attached Exhibits, Statement of Undisputed Facts, and Memorandum of Law in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and Cross-Motion for Summary Judgment on Plaintiffs' Disparate Impact Claims, was electronically filed using the Court's CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to:

Gregg T. Johnson
Scott Quesnel
Girvin & Ferlazzo
20 Corporate Woods Blvd.
Albany, New York 12211
gtj@girvinlaw.com

/s/ N. Cain
Nicholas Cain